

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

KMAN HALLUCKY,

Petitioner,

v.

ICE FIELD OFFICE DIRECTOR,

Respondent.

CASE NO. 23-cv-1256

ORDER ADOPTING REPORT AND  
RECOMMENDATION

On August 15, 2023, Petitioner Kman Hallucky initiated this *pro se* 28 U.S.C. § 2241 habeas action to be released from custody at the Northwest ICE Processing Center in Tacoma, Washington. Dkt. No. 1-1. The Government moved to dismiss Hallucky's complaint on September 26, 2023, arguing it was moot because Hallucky had been released from federal custody. *See* Dkt. No. 7. Hallucky did not respond to the Government's motion. *See* Dkt.

On October 24, 2023, the Honorable David W. Christel, Chief United States Magistrate Judge for the Western District of Washington, issued a Report and Recommendation ("R&R") recommending that the Court dismiss Hallucky's case without prejudice. Dkt. No. 8. Hallucky did not object to Judge Christel's Report

1 and Recommendation. *See* Dkt. Ultimately, Judge Christel’s R&R was returned to  
2 the Court as undeliverable. Dkt. No. 9. The Court agrees with Judge Christel’s R&R  
3 that Hallucky’s complaint should be DISMISSED as moot.


4 In addition to being moot, the Court notes that Hallucky’s complaint should  
5 be dismissed for failure to prosecute. Under LCR 41(b)(2), a *pro se* party is required  
6 to “keep the court . . . advised as to his . . . current mailing address . . .” If the Postal  
7 Service returns to the Court mail addressed to a plaintiff as undeliverable, and if  
8 the plaintiff “fails to notify the court . . . within 60 days thereafter of his . . . current  
9 mailing address . . . the court may dismiss the action without prejudice for failure to  
10 prosecute.” LCR 41(b)(2).

11 Here, the clerk sent Hallucky Judge Christel’s R&R at “NW Detention  
12 Center, 1623 E. J Street, Suite 5, Tacoma WA 98421-1615.” Dkt. No. 9. The R&R  
13 was returned to the Court and marked as “Unable to Forward” and dated November  
14 5, 2023. *Id.* Hallucky has not updated his mailing address from the “NW Detention  
15 Center” address. *See* Dkt. And as of January 5, 2024, Hallucky failed to notify the  
16 Court within 60 days of his change of address. *See id.* Therefore, his action is  
17 DISMISSED without prejudice for failure to prosecute.

18 Based on its review of the R&R and the remaining record, the Court finds  
19 and ORDERS as follows:

- 20 1. The Court adopts the R&R and GRANTS the Government’s motion to  
21 dismiss. Dkt. No. 7.
- 22 2. The case is DISMISSED without prejudice for mootness and failure to  
23 prosecute.

4. This Clerk is directed to send uncertified copies of this Order to Petitioner at his last known address, all counsel of record, and the Hon. David W. Christel.

  
Jamal N. Whitehead  
United States District Judge